

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

GARY BRICE MCBAY,  
Plaintiff,

VERSUS CIVIL ACTION NO: 1:07CV1205-LG-RHW

HARRISON COUNTY, MISSISSIPPI,  
BY AND THROUGH ITS BOARD OF  
SUPERVISORS; HARRISON COUNTY  
SHERIFF GEORGE PAYNE; WAYNE  
PAYNE; DIANE GASTON RILEY;  
STEVE CAMPBELL; RICK GASTON;  
RYAN TEEL; MORGAN THOMPSON;  
JOHN DOES 1 - 4; AMERICAN  
CORRECTIONAL ASSOCIATION;  
JAMES A. GONDLES, JR.; UNKNOWN  
DEFENDANTS 1 - 3 EMPLOYEES OF  
AMERICAN CORRECTIONAL  
ASSOCIATION; HEALTH ASSURANCE,  
LLC, AND UNKNOWN DEFENDANTS 1  
- 2 EMPLOYEES OF AMERICAN  
CORRECTIONAL ASSOCIATION,  
Defendants.

DEPOSITION OF THOMAS RANDAZZO

Taken at the offices of Dukes, Dukes,  
Keating & Faneca, 2909 13th Street,  
Sixth Floor, Gulfport, Mississippi, on  
Thursday, July 9, 2009, beginning at  
9:32 a.m.



1 going on or what, but I know there was quite a few  
2 people there.

3 Q. Did reading this narrative that you gave  
4 one of the investigating police officers, does  
5 that refresh your memory of any injuries that Mr.  
6 McBay was showing that night?

7 A. I really couldn't say because I don't  
8 know if I injured him when I put him to the ground  
9 either time.

10 Q. I'm not asking what caused it, but your  
11 report says that Mr. McBay had a bloody nose.

12 A. Okay. Well, if he did, I mean, that's  
13 the only thing I can say is it happened when I put  
14 him on the ground. I'm not positive that I caused  
15 injuries.

16 Q. We're not asking that, just if he had a  
17 bloody nose or not?

18 A. I don't remember. I really can't recall  
19 now.

20 Q. But you did this contemporaneous --

21 A. If I said it in there, yes, that's what  
22 happened.

23 MR. GEWIN:

24 Off the record, please.

25 (Off the record.)

1 him.

2 Q. And you felt like just putting a bear  
3 hug would have pretty much put him under control,  
4 too?

5 A. Yeah.

6 Q. After he hit you in the jaw, I believe  
7 you said you hit him?

8 A. Yes, sir.

9 Q. Where did you hit him?

10 A. I'm not positive. I know it was  
11 somewhere above the neck -- or shoulder area. I  
12 mean, I may have caught him in the jaw, I may have  
13 caught him in the nose, I may have caught him in  
14 the top of the head. I don't really remember.  
15 But once I hit him, he went down, and that's when  
16 I sat on him.

17 Q. So after you hit him one time, he went  
18 down?

19 A. Yes, sir.

20 Q. And then you sat on him. Did you hit  
21 him hard, as hard as you could?

22 A. Probably.

23 Q. Probably. And at that point, he was  
24 pretty much under control after you hit him one  
25 time?